

**F & A/RDS/PROGRAM ACCOUNTABILITY AND REVIEW**  
**REVIEW GUIDE FOR THE TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT-WIA**

Subrecipient:

Monitor:

Grant/Contract No: \_\_\_\_\_

Funding Source: \_\_\_\_\_

Date of Visit: \_\_\_\_\_

**NONDISCRIMINATION DESKTOP REVIEW**

The Department of Labor and Workforce Development, State and Local Workforce Investment Boards, One-Stop Career Centers, service providers, vendors, and subrecipients must comply with the following nondiscrimination and equal opportunity laws and implementing regulations:

- Civil Rights Act of 1964
- Rehabilitation Act of 1973, Section 504
- Americans with Disabilities Act of 1990
- Title IX of the Education Amendment of 1972
- Age Discrimination Act of 1965
- WIA § 188, and
- The regulations implementing the statutory provisions

Thus, PAR reviewers need to ensure that subrecipients are in compliance with the listed nondiscrimination provisions, in accordance with *TCA § 4-4-123*, and *TCA § 4-21-901 et seq.*

1. **Has the LWIA appointed its equal opportunity officer for WIA Title I services?**

*Reference: E&T Memo #00-05*

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- 2. Has the LWIA provided reasonable accommodation for persons with disability?**

*Reference: Section 662.200 (4)(9)*

- 3. Does the LWIA provide initial and continuing notice, using the required nondiscrimination language, that it does not discriminate on any prohibited ground?**

*29 CFR 37.29*

- 4. Does the LWIA publish or broadcast program information in the news media, and if so, does the LWIA indicate in the publications and broadcasts:**

- That the WIA funded program or activity in question is an equal opportunity employer/program, and
- That auxiliary aids and services are available upon request to individuals with disabilities.

*29 CFR 34.24*

- 5. Has the LWIA applied the 4-Factor Analysis to its programs in order to determine how best to deliver language assistance to individuals who are Limited English Proficient?**

*DOL Policy Guidance, Federal Register, May 2003.*

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| <p><b>6. If the 4-Factor Analysis indicates the need for language assistance services, does the LWIA have in place one or more of the following oral interpretation services:</b></p> <ul style="list-style-type: none"><li>• Bi-lingual staff.</li><li>• Staff interpreters</li><li>• Contract interpreters, or</li><li>• Telephone interpreter line?</li></ul> <p><i>DOL Policy Guidance, Federal Register, May 2003</i></p> <p><b>7. Do the LWIA's written translation procedures fall within the 'Safe Harbor' provisions?</b></p> <p><i>DOL Policy Guidance, Federal Register, May 2003</i></p> <p><b>8. Does the LWIA have policies and procedures in place which ensure that interpreters and/or interpreter services provide interpretations as follows:</b></p> <ul style="list-style-type: none"><li>• With demonstrated proficiency and ability to interpret in both English and the other language, and the ability to identify consecutive, summary, simultaneous, or sight interpretations.</li><li>• With knowledge of specialized terms and concepts of the program, and any specialized vocabulary or phrases used by the LEP person.</li></ul> <p><i>DOL Policy Guidance, Federal Register, May 2003</i></p> |  |
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**9. Does the LWIA have policies and procedures in place which ensure the following:**

- That interpreters must certify that they will deliver interpretations that are accurate and not biased.
- That interpreters shall accept payment for services only from the LWIA and never from the client.

*DOL Policy Guidance, Federal Register, May 2003*

**10. After applying the 4-Factor Analysis, and if the need for translation of vital documents is reasonable and necessary, does the LWIA provide written translations of :**

- Consent and complaint forms.
- List of One-Stop partners and services offered.
- Appeals documents.
- Notices requiring a response from clients.
- Information on the right to file complaints of discrimination.
- Information on the provision of services to individuals with disabilities.
- State wage and hour and safety and health information, and
- Notices of free language assistance.

*DOL Policy Guidance, Federal Register, May 2003*

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**11. Does the LWIA have procedures and policies in place which ensure planning and development of:**

- **Methods of identifying LEP individuals who need language assistance.**
- **Training for staff on the available language services and how to use them.**
- **Easily accessible and widely known notices of free language assistance.**
- **Training staff on how to monitor and deliver reports on interpreter activity.**

**12. Does the covered LWIA have policies, procedures, and auxiliary aids and services in place which ensure the reasonable and necessary delivery of program services to qualified handicapped individuals who have physical and/or mental impairments?**

*Rehabilitation Act of 1973*

*Section 504*

*29 CFR 37.4 (1)*

**13. Does the covered LWIA have policies and procedures in place that ensure individuals with qualifying disabilities will be referred for auxiliary aids and services?**

*29 CFR 37.9 (d)*

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- 14. Does the LWIA have in place communications devices, such as TTY or TDD, or equally effective communications system, for participants with hearing impairment?**

*29 CFR 37.9 (a)-(d)*

- 15. If the LWIA has determined that the provision of accommodations would fundamentally alter the delivery of program, service, or activity, then does the LWIA have a written statement which details the reasons for reaching this conclusion?**

*29 CFR 37.9 (f)(1)-(3)*

- 16. Does the LWIA have clearly visible signage at the primary entrances of each inaccessible facility that refer individuals with disabilities to information about accessible facilities?**

*29 CFR 37.9 (e)(1)*

- 17. Does the LWIA have the international symbol for accessibility at the primary entrances of each accessible facility?**

*29 CFR 37.9 (e)(2)*

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**18. Do the LWIA's published personnel policies and procedures prohibit the actions as defined in Section 37.11 of the implementing regulations:**

- Intimidation and retaliation for filing a complaint or furnishing information regarding administration of a WIA-assisted program, service, or activity.

*29 CFR 37.11 (a)*

**19. Does the LWIA post approved nondiscrimination and equal opportunity complaint procedures and contact information in:**

- Primary entrances.
- Internal memoranda, hardcopy and electronic.
- Handbooks or manuals.
- Made available to each participant and included in the participant's file.
- Made available, in appropriate formats, to individuals with visual impairments.

*29 CFR 37.31 (a)(b)*

**20. Do the LWIA's orientations, and other presentations to new employees, participants, and the general public include a discussion of the nondiscrimination and equal opportunity provisions applicable to WIA programs?**

*29 CFR 37.36*

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**21. Does the LWIA system have a complaint log which is used to record any complaints of discrimination?**

*29 CFR 37.37*

**22. Does the LWIA have documentation to ensure that all OJT plans, contracts and other similar agreements are non-discriminatory and contain provisions regarding non-discrimination and equal opportunity?**

*Reference: WIA Section 188*

**23. How does the LWIA provide disability awareness training for designated staff at the one-stop center?**

**24. Has the contract agency received any discrimination complaints last fiscal year or during the current contract year? Explain.**

**25. What assurances of compliance have been signed by the agency? When and by whom were they signed?**

**26. What documentation does the agency keep as proof of its non-discriminatory status?**